

REMARKS/ARGUMENTS

The specification has been formally amended in an effort to overcome all of the Examiner's objections and to limit the description to elected Figs. 7 and 8 (renumbered 1 and 2). As previously stated, applicant reserves the right to file a divisional application covering the non-elected Figs. 1-6.

In the amended drawing, the pivoted position of the tread surface relative to the sports device has been indicated in phantom lines. The pivoting movement is now respectfully submitted to be clearly described on page 23 and is believed to be obvious from the drawing. The tread surface is attached to pivot axis 46, which is higher than stationary pivot axis 71 (see also claim 52), and is pivoted about the stationary pivot axis so that it glides along rolling track 27 (shown in original Fig. 7) of body 22 which rollingly supports the tread surface. As pivot axis 46 moves in circular path 75 (also shown in original Fig. 7) during the pivoting movement, the front end of the tread surface is displaced towards the sports device. Also, nothing in the description of the elected figures suggests a compression of lever 67. Therefore, the cross-hatching used for lever 67 has been changed so that it no longer indicates a compressible material.

The claims have been rewritten in an effort to overcome the rejection under 35 U.S.C. 101 and 112. As the Examiner has correctly pointed out, body 22 is integral with or affixed to sports device 2. It is, therefore, no longer described as a "rolling" body but as a body rollingly supporting the front end of the tread surface.

Claim 58 is respectfully submitted to be patentable over Girard, cited. Sports shoe 2 of Girard is pivotable about stationary pivot 4 by a binding system comprising jaw 12 controlled by lever 13 and spring-biased connecting rod 15 engaging a pin 5 to hold the shoe against the ski in a rest position and return it to the rest position after the shoe has been upwardly pivoted.

Comparing this to the binding system of claim 58, it is noted that Girard does not suggest

- (1) a **single** binding element consisting of a lever,
- (2) a body integral with or affixed to the sports device and rollingly supporting the **front** end of the tread surface for gliding on a rolling track of the body along an **arcuately curved** rolling path for displacing the front end of the tread surface **towards** the sports device, and
- (3) a second, stationary pivot axis, with a first pivot axis being on a higher level than the second pivot axis in an

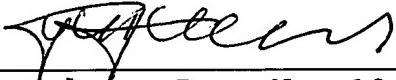
initial rest position and being pivotable along a curved rolling path about the stationary pivot axis from the initial rest position to a displaced position.

In view of the above, claim 58 is respectfully submitted to be neither anticipated under 35 U.S.C. 102(b), nor obvious from, Girard. The dependent claims recite preferred features and are believed to be allowable with claim 58.

A petition for a three-months extension is attached hereto.

A sincere effort having been made to overcome all grounds of rejection, favorable reconsideration and allowance of claims 58-63 are respectfully solicited.

Respectfully submitted,
BERNHARD RIEPLER



Kurt Kelman, Reg. No. 18,628
Allison C. Collard, Reg. No. 22,532
Edward R. Freedman, Reg. No. 26,048
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

Enclosure: Request for Extension of Time
Drawing Print

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP Fee Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on March 1, 2004..



Ingrid Mittendorf